REMARKS/ARGUMENTS

Various claims are being amended as shown above. The claim amendments clarify the claim language and are not intended to limit the scope of the claims, unless the claim language is expressly quoted in the following remarks to distinguish over the cited art.

No new matter is introduced by the amendment shown above.

In section 5 the office action, claims 1-4, 8, 12-15 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tingley, et al. (U.S. Patent No. 6,708,211) and further in view of Evoy (U.S. Patent No. 6,591,377). Applicant respectfully traverses the rejection.

Tingley is directed to a method for detecting user-activated states in a computer where the active WINDOWS frames and dialog boxes are determined by polling the Z order listing in the operating system reserved memory buffer. A thread function is used to poll the operating system memory in order to check for changes in characters due to active WINDOWS frames or active dialog box that are currently active in the operating system.

The Examiner correctly admits in the office action that Tingley fails to disclose the checking includes calculating a maximum base count for entries in a defined registry segment for determining unauthorized behavior. In an attempt to overcome the deficiency of Tingley, the Examiner relies on Evoy in an attempt to show various features.

Evoy is directed to a method for comparing system states at different points in time, where the system registry is compared at different points in time to identify any changes, and also compares programs that are currently running with programs running in a previously recorded state. A Registry Map object 30 (Figure 3) takes a snapshot of the registry portion identified by the pathkey/searchkey 31 at different points in time. However, Evoy does not disclose nor suggest various features that are recited in claim 1.

Independent claim 1 distinguishes over the Tingley-Evoy combination at least by reciting, a method including "*transmitting a structured signal file to a monitor station, wherein the structured signal file includes an initial recording of registry information from an internal registry in the computer unit, initial internal directory information and initial file information that are required during boot-up of an operating system in the computer unit, and initial internal directory information and initial file information that are required when the operating system initiates a third-party software program; checking a set of values in a memory area of the computer unit or in a proprietary file stored within the computer unit, with each set of values corresponds to a state activated by the computer unit, wherein the checking includes calculating a maximum base count for entries in a defined registry segment in the internal registry in the computer unit in order to determine if any registry data in the defined registry segment has been modified; if registry data in the defined registry segment has been modified, then*

transmitting to the monitor station a first signal probe
alert which indicates the defined registry segment which
has been modified, and comparing the defined registry
segment with the initial recording of the registry
information; monitoring all directory information and file
information required during boot-up of the operating system
in the computer unit; if a new directory in the directory
information is detected with a new software program, then
transmitting to the monitor station a second signal probe
alert which indicates the new directory, and comparing the
new directory with the initial internal directory
information and initial file information that are required
during boot-up of the operating system; monitoring all
directories and files that are required to initiate third
party software programs; and if a third party software
program initiates and modifies any of the directories or
files that are required to initiate third party software
programs, then transmitting to the monitor station a third
signal probe alert which indicates the modified directory
or modified file, and comparing the modified directory or
modified file with initial internal directory information
and initial file information that are required when the
operating system initiates a third-party software program",
and such recited features are not disclosed or suggested by
the Tingley-Evoy combination.

Accordingly claim 1 is patentable over the Tingley-
Evoy combination.

Independent claims 14 and 15 are being amended to
recite similar features and are each patentable over the
Tingley-Evoy combination.

Claims 2-4, 8, and 12 each depends from claim 1, and are each patentable over the Tingley-Evoy combination for at least the same reasons that claim 1 is patentable over the Tingley-Evoy combination. Claim 13 is being cancelled above.

Furthermore, claims 2-4, 8, and 12 each distinguishes over the Tingley-Evoy combination by reciting additional features.

Accordingly, claims 2-4, 8, and 12 are each patentable over the Tingley-Evoy combination.

Furthermore, it would not have been obvious to combine Tingley and Evoy as suggested in the office action because the combination would require a substantial reconstruction and redesign of the elements disclosed in the primary reference. (See MPEP 2143.01). For example, there is no suggestion in the references on how to modify the elements in the references so the system of Tingley can work with the elements disclosed in Evoy. Furthermore, the references do not suggest nor disclose any interface circuitry, modules, systems, methods, and/or techniques that permit the system of Tingley to work with the elements disclosed in Evoy. Therefore, the combination of Tingley and Evoy is improper.

Accordingly, claims 1-4, 8, 12, and 14-15 are each patentable over the combination of Tingley and Evoy.

For the above reasons, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. §103.

In section 6 the office action, claims 5 & 10 were rejected under 35 U.S.C. 103(a) as allegedly being

unpatentable over the modified Tingley, et al. (U.S. Patent
No. 6,708,211) and Evoy system (U.S. Patent No. 6,591,377)
as applied to claims 4 & 8, and further in view of Glowny,
et al. (U.S. Patent No. 5,491,791). Applicant respectfully
traverses the rejection.

The Examiner correctly admits in the office action
that the Tingley-Evoy-Brooks combination fails to disclose
analyzing at least one of an operating system directory
structure, root and all directories and sub-directories,
and loading configuration data into memory. In an attempt
to overcome the deficiencies of the Tingley-Evoy-Brooks
combination, the Examiner relies on Glowny in an attempt to
show various features.

Claims 5 and 10 each depends from claim 1, and are
each patentable over the Tingley-Evoy-Brooks-Glowny
combination for at least the same reasons that claim 1 is
patentable over the Tingley-Evoy-Brooks-Glowny combination.

Furthermore, claims 5 and 10 each distinguishes over
the Tingley-Evoy-Brooks-Glowny combination by reciting
additional features.

Accordingly, claims 5 and 10 are each patentable over
the Tingley-Evoy-Brooks-Glowny combination.

Furthermore, it would not have been obvious to combine
Tingley, Evoy, Brooks, and Glowny as suggested in the
office action because the combination would require a
substantial reconstruction and redesign of the elements
disclosed in the primary reference. (See MPEP 2143.01).
For example, there is no suggestion in the references on
how to modify the elements in the references so the system
of Tingley can work with the elements disclosed in Evoy,

Brooks, and Glowny. Furthermore, the references do not suggest nor disclose any interface circuitry, modules, systems, methods, and/or techniques that permit the system of Tingley to work with the elements disclosed in Evoy, Brooks, and Glowny. Therefore, the combination of Tingley, Evoy, Brooks, and Glowny is improper.

Accordingly, claims 5 and 10 are each patentable over the combination of Tingley, Evoy, Brooks, and Glowny.

For the above reasons, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. §103.

In section 7 the office action claims 6, 9, & 11 were rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the modified Tingley, et al. (U.S. Patent No. 6,708,211) and Evoy system (U.S. Patent No. 6,591,377) as applied to claims 1 & 8 above, and further in view of Brooks, et al. (U.S. Patent No. 6,047,312). Applicant respectfully traverses the rejection.

The Examiner correctly admits in the office action that the Tingley-Evoy combination fails to disclose initiating a parallel third party segment thread. In an attempt to overcome the deficiencies of the Tingley-Evoy combination, the Examiner relies on Brooks in an attempt to show various features.

Claims 6, 9, and 11 each depends from claim 1, and are each patentable over the Tingley-Evoy-Brooks combination for at least the same reasons that claim 1 is patentable over the Tingley-Evoy-Brooks combination.

Furthermore, claims 6, 9, and 11 each distinguishes over the Tingley-Evoy-Brooks combination by reciting additional features.

Accordingly, claims 6, 9, and 11 are each patentable over the Tingley-Evoy-Brooks combination.

Furthermore, it would not have been obvious to combine Tingley, Evoy, and Brooks as suggested in the office action because the combination would require a substantial reconstruction and redesign of the elements disclosed in the primary reference. (See MPEP 2143.01). For example, there is no suggestion in the references on how to modify the elements in the references so the system of Tingley can work with the elements disclosed in Evoy and Brooks. Furthermore, the references do not suggest nor disclose any interface circuitry, modules, systems, methods, and/or techniques that permit the system of Tingley to work with the elements disclosed in Evoy and Brooks. Therefore, the combination of Tingley, Evoy, and Brooks is improper.

Accordingly, claims 6, 9, and 11 are each patentable over the combination of Tingley, Evoy, and Brooks.

For the above reasons, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. §103.

In section 8 the office action, claim 7 was rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over the modified Tingley, et al. (U.S. Patent No. 6,708,211), Evoy (U.S. Patent No. 6,591,377) and Brooks, et al. (U.S. Patent No. 6,047,312) as applied to claim 6 above, and further in view of Glowny, et al. (U.S. Patent No.

5,491,791). Applicant respectfully traverses the rejection.

The Examiner correctly admits in the office action that the Tingley-Evoy-Brooks combination fails to disclose analyzing at least one of scanning all third party start up and initiation files. In an attempt to overcome the deficiencies of the Tingley-Evoy-Brooks combination, the Examiner relies on Glówny in an attempt to show various features.

Claim 7 depends from claim 1, and is patentable over the Tingley-Evoy-Brooks-Glowny combination for at least the same reasons that claim 1 is patentable over the Tingley-Evoy-Brooks-Glowny combination.

Furthermore, claim 7 distinguishes over the Tingley-Evoy-Brooks-Glowny combination by reciting additional features.

Accordingly, claim 7 is patentable over the Tingley-Evoy-Brooks-Glowny combination.

Furthermore, it would not have been obvious to combine Tingley, Evoy, Brooks, and Glowny as suggested in the office action because the combination would require a substantial reconstruction and redesign of the elements disclosed in the primary reference. (See MPEP 2143.01). For example, there is no suggestion in the references on how to modify the elements in the references so the system of Tingley can work with the elements disclosed in Evoy, Brooks, and Glowny. Furthermore, the references do not suggest nor disclose any interface circuitry, modules, systems, methods, and/or techniques that permit the system of Tingley to work with the elements disclosed in Evoy,

Brooks, and Glowny. Therefore, the combination of Tingley, Evoy, Brooks, and Glowny is improper.

Accordingly, claim 7 is patentable over the combination of Tingley, Evoy, Brooks, and Glowny.

For the above reasons, Applicant requests reconsideration and withdrawal of this rejection under 35 U.S.C. §103.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

If the undersigned attorney has overlooked a teaching in the cited reference that is relevant to the allowability of the claims, the Examiner is respectfully requested to specifically point out where such teachings may be found.
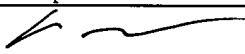
CONTACT INFORMATION

If the Examiner has any questions or needs any additional information, the Examiner is invited to telephone the undersigned attorney at (805) 681-5078.

Date: April 27, 2005

Respectfully submitted,
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